

MINUTES
CLAY COUNTY PLANNING COMMISSION
7:00 PM, TUESDAY, APRIL 18, 2017
MEETING ROOM B, CLAY COUNTY COURTHOUSE

Members Present: Mark Klevgaard, Tom Jensen, Amos Baer, Bill Davis, Jenny Mongeau, Joel Paulsen, Curt Stubstad, Andrea Koczur, Dan Langseth, Randy Schellack, Tim Brendemuhl.

Members Absent: None.

Others Present: Tim Magnusson, Lynne Spaeth, Jenny Samarzja, Barbara Gilson, Patty Bestler, Lynn Reading, Larry Henry, Chad Sogge, Sheila Sogge, Joanne Cook, Mike Cook, Peter Lewis, Jamie Lewis, Wendy Affield, Randy Affield, Doug Keeping, Mark Bauer, Beverly Henning, William Henning, Chad Murray, Claudia Murray, Karen Hanson, Don Abarr, Matt Halverson, Paul Wibe, Ann Jean Wibe, Chris Guida, Jerald Butenhoff, John Halverson, John Pender, Dwight Gwin, Doreen Gwin, Keith Langseth, Clayton Larson, Chris Heyer, Naomi Roesch, Shawn Justesen, Raymond Reading, Shirley Manston, Greg Halvorson, Jerry Wyatt, Dave Henk.

On motion by Randy Schellack, seconded by Andrea Koczur, and unanimously carried, the Planning Commission approved the agenda as written.

On motion by Curt Stubstad, seconded by Joel Paulsen, and unanimously carried, the Planning Commission approved the March 21, 2017 minutes as written.

MICHAEL R. COOK - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the establishment of an event center on his property. The center would utilize a 7,800-square foot building. The property is in the East Half, SW Quarter and West Half SE Quarter, Section 6, T140N, R44W (Highland Grove Twp.) in the Agricultural General (AG) zoning district.

On motion by Bill Davis, seconded by Randy Schellack, and unanimously carried, the Planning Commission opened the public hearing.

Planning Director Tim Magnusson presented aerial photographs of the property and pointed out the proposed location and the 4 surrounding residences. He mentioned that about a decade ago, the Applicant was approved for an event center, but it was never established. The proposed parking lot would be located on the west side as well as the east side; however, Magnusson stated a more detailed plan for the parking lot would need to be submitted. The banquet hall would be approximately 5,400 square feet, including changing rooms and a lobby. Building improvements to the commercial kitchen would be made. Both the kitchen and septic system would have to be approved by the Minnesota Department of Health and Clay County Environmental Services.

The property is setback far from any residences except one residence to the northwest. There is a tree claim between residence and the proposed building which would mitigate some sound. Magnusson said the biggest issues in the past have been noise, parking, insuring adequate septic facilities and security. Magnusson talked with the Sheriff. Although they have not had any problems with any permits issued in the past, they would like to be informed where they are and

when they are operating so they can patrol the area. Magnusson indicated the access road does not pass any residences. Additionally, the building would have to be appropriately setback from any wetland.

Mike Cook, the applicant, was present for questions. Cook stated the parking area on the west side of the building could accommodate about 30-35 larger spots, the southeast corner could hold approximately 70 vehicles and the Southwest lot could hold approximately 25 vehicles. He surmised a total of 130-135 parking spots. Cook also visited with the general manager at the AmericInn, in Hawley and they will work together in referring business to each other. They would be able to park at AmericInn and take a shuttle out to the event center. Moreover, the owner of the bar in Hawley has a liquor license and is interested in providing liquor for Cook's events. Cook stated he likewise may apply for a license. A former police officer, who is still a licensed peace officer, would provide security for the establishment. Cook has been working with a septic engineering firm and indicated the septic would be located on the southeast corner.

The chair asked if anyone else wanted to speak for or against the proposal.

Parking lots were discussed and the Commission agreed that the applicant will be required to submit a more detailed parking plan. Magnusson stated spaces should be 10 x 22 feet per vehicle space.

On motion by Jenny Mongeau, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.

Magnusson stated the Interim Use Permit would expire upon conveyance of the land and if there were any violations, Planning and Zoning would investigate. Furthermore, that investigation would only occur if a condition had been violated, and not due to a single complaint, as a complaint is not necessarily a violation of a condition.

The Findings of Fact for Interim Use Permits were discussed and the Planning Commission found the following items to be applicable with this proposal:

- 2. Use and Enjoyment of Other Property:** The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, and not substantially diminish or impair property values within the immediate vicinity.
- 5. Nuisance Conditions:** Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, water pollution and soil erosion, so that none of these will constitute a nuisance, and to control lighted signs or other lights in such manner that no disturbance to neighboring properties will result.
- 12. Traffic Hazards, Congestion in Flood Plain Areas:** The use will not cause traffic hazards or congestion and in flood plain areas has access during flooding for ordinary and emergency vehicles.

The items were discussed and the Planning Commission found that all items can be addressed with conditions.

On motion by Mark Klevgaard, and seconded by Bill Davis, and unanimously carried, the Planning Commission approved Michael Cook's request to allow for the establishment of an event center to be located on property in the East Half, SW Quarter and West Half SE Quarter, Section 6, T140N, R44W, Highland Grove Township, with the following conditions:

- 1) Applicant must receive approved kitchen/septic plans from MN Dept. of Health;**
- 2) A licensed establishment shall supply alcohol;**
- 3) The applicant must provide a detailed parking plan providing parking spaces for a minimum of 150 vehicles to the Planning Office for review and approval. Each space must be at least 10 feet wide and 22 feet in depth and 300 square feet in area; and**
- 4) Facility may operate 7 days a week between the hours of 8:00 A.M. and 1:00 P.M. No outdoor amplified music after 11:00 P.M.**

AGGREGATE INDUSTRIES - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the establishment of an aggregate mine and its associated uses including crushing and stockpiling of materials. The property affected is the NE Quarter, Section 36, T138N, R44W (Parke Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts.

On motion by Dan Langseth, seconded by Randy Schellack, and unanimously carried, the Planning Commission opened the public hearing.

Planning Director Tim Magnusson presented a view of the entire quarter section. All the parcels have had Environmental Impact Statements prepared in the past. He identified other pits in the surrounding area as well as the traffic pattern. The site would be mined in 4 phases and the reclamation grade would be higher on the west side. When finished mining in 2033, the use is intended to revert to agricultural. There are no residences near the site.

Applicant Patty Bestler, representing Aggregate Industries, was present and introduced herself and colleague. Bestler pointed out other mines in Clay County, which have been in operation for years without complaints. They have a strong environmental management system in place. There will be no chemicals or stirring tanks. All employees have extensive training with guidelines, and their truckers must go through a refresher training with the company every year and sign an ITO agreement. Aggregate Industries also has an air permit and a new stormwater management permit.

Jerry Wyatt is the operations manager. He informed the Commission that they have a transportation safety program in place wherein the truck drivers are monitored and reports are sent back to the company.

Reclamation costs will be \$2,500 per acre. They have had favorable comments at other sites regarding their reclamation efforts. Bestler requested some flexibility in condition #10 related to operating hours. She reviewed and agreed to the conditions. Additionally, she stated they will not go below the water table and confirmed there is no intent of operating an asphalt plant.

The chair asked if anyone else wanted to speak for or against the proposal.

On motion by Andrea Koczur, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.

The Commission discussed the number of trucks and if signs were necessary. They determined that signage would be handled by the County Highway Department.

The Findings of Fact and Order were addressed by the Planning Commissioners as they pertain to the requested permit. All of the items can be addressed with conditions and none of them warranted further discussion.

On motion by Randy Schellack, and seconded by Mark Klevgaard, and unanimously carried, the Planning Commission approved Aggregate Industries' Interim Use Permit to allow the establishment of an aggregate mine and its associated uses on property located in the NE Quarter, Section 36, T138N, R44W, Parke Township, with the following conditions:

- 1. Applicant shall operate within provisions of the Clay County Land Development Ordinance.**
- 2. Operator shall control dust and provide necessary maintenance on any/all gravel haul roads.**
- 3. Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall follow any and all local/state/federal regulations prior to commencing mining operations.**
- 4. Operator shall contact Clay SWCD and have wetland evaluation. Operations must comply with all provisions of WCA.**
- 5. A maximum of 160 acres be approved for mining.**
- 6. Require applicant to post a reclamation bond of \$2,500 per acre.**
- 7. Require applicant to reclaim mined out areas as mining activities progress. Require areas to be seeded.**
- 8. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Environmental Services Division.**
- 9. Require operator to present a detailed mine plan to Planning Office indicating exact area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.**
- 10. Mining operations: April 1 thru November 30, 6:00 A.M. to 9:00 P.M., Monday thru Saturday. If the operator needs to operate 24/7 or beyond stated days/hours, they shall first notify the Planning Office with the reason and the length of time requested so the extended hours can be approved and affected property owners notified.**
- 11. Permits shall expire December 31, 2033.**

RALLY POINT LLC – REQUEST FOR CONDITIONAL USE

The applicant is seeking approval of a Conditional Use Permit to establish an animal feedlot. Said feedlot would have a maximum capacity of 639 animal units. The property affected is the NW Quarter, Section 27, T138N, R46W (Elkton Twp.) in the Agricultural General (AG) and Resource Protection-Aggregate (RP-Agg) zoning districts

On motion by Curt Stubstad, seconded by Joel Paulsen, and unanimously carried, the Planning Commission opened the public hearing.

Planning Director Tim Magnusson presented aerial views and indicated the location and access to the proposed facility. The application indicates they will be 1,350+ feet away from a residential property. He showed what the facility and site will look like, encompassing 2 barns, an office space, a calving barn, and open lots. The applicant has gone through the county feedlot officer to obtain the required state permit. All the setback requirements are met. There will be up to 639 animal units, which is somewhere around 900 actual animals. Magnusson indicated his office has received many phone calls relative to this proposal. The applicant owns 340 acres of farmland, southeast of Downer, where he can apply manure. He will need to document and report to the county feedlot officer when and where the manure has been applied.

They are well beyond the setback to a platted subdivision and a residence.

The applicant, Don Abarr of Rally Point was present for questions. They are seeking a permit for a calving barn which by State law, constitutes a feedlot. Abarr stated the area was selected because of the dry acreage. There is very little slope for drainage, so all drainage would be self-contained on land owned by Rally Point. When they did a survey and looked at the site capacity they could have selected 880 animal units. They chose 639 animal units because they are carrying calves beyond the selling season until they are about 1,300 pounds and they must possess a permit to cover the capacity. The building will be a new steel structure that will look professional. The pasture to the north is the closest to the neighbor, and there would not be cattle located there on a permanent basis. It is designed more for grazing. There is a tree row to the north of the driveway. They are addressing the access to the site with the DOT, as the road access needs to meet a 37 1/2-foot width, and currently it is now 31 feet. There are no other setback issues with this project. Abarr informed the Commission the operation would be primarily from late October until May.

The chair asked if anyone else wanted to speak for or against the proposal.

The following citizens: Matt Halvorson, Dave Henk, Shirley Manston, professed the following in support of the permit:

- Positive impact on the economy;
- Adds value to the area;
- Operation would only be 6 months a year;
- Have never experienced any problems with other feedlots;
- Operation is limited to cattle;
- Hay-fed cows/calves have less odor;
- Have never smelled odor regardless if operating yearlong; and
- Manure will be spread on land owned by the applicant.

The following citizens: Randy Affield, Wendy Affield, Chad Sogge, Sheila Sogge, professed the following concerns in opposition of the permit:

- Location/distance of feedlot to many residences;

- The permit will not expire;
- Quality of lifestyle of the neighbors;
- Odor issue (with/without wind);
- Air quality issue;
- Not a family business, it is an LLC – significant operation;
- Nuisance and Conditional Use Permit staying with the land;
- Noise issue;
- Amount of manure, the disposal and methods;
- Manure flowing downhill and filling up ditches;
- Manure attracting bugs and animals;
- Property value decrease;
- The general welfare of the properties around the feedlot;

Magnusson explained to the citizens the difference between a Conditional Use Permit and an Interim Use Permit. It was also explained the applicant will be required to meet MPCA stormwater permit requirements which means he cannot discharge any manure into the right-of-way.

Magnusson noted the concerns could be added as conditions. It was brought up and decided to add a condition specifying the operation would be only for cows and calves. The applicant agreed with the condition.

Abarr reassured they do not use any byproducts and have no intention of using distilleries.

On motion by Tom Jensen, seconded by Dan Langseth, and unanimously carried, the Planning Commission closed the public hearing.

The Findings of Fact for Interim Use Permits were discussed and the Planning Commission found the following items to be applicable with this proposal:

1. **Effect of Use:** In granting a conditional use, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated land uses, traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of property and scenic views in the surrounding areas, and the effect of the proposed use on existing comprehensive plans.
2. **Use and Enjoyment of Other Property:** The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, and not substantially diminish or impair property values within the immediate vicinity.
3. **Development of Surrounding Property:** The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.
4. **Utilities, Access Roads, Drainage, Off-Street Parking and Loading Spaces:** Adequate measures have been or will be taken to provide utilities, access roads, drainage and off-street parking and loading spaces.
5. **Nuisance Conditions:** Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, water pollution and soil erosion, so that none of

these will constitute a nuisance, and to control lighted signs or other lights in such manner that no disturbance to neighboring properties will result.

The items were discussed and the Planning Commission found that all items can be addressed with conditions.

On motion by Tim Brendemuhl, and seconded by Jenny Mongeau, and unanimously carried, the Planning Commission approved Rally Point, LLC's Interim Use Permit to establish an animal feedlot with a maximum capacity of 639 animal units, located on property in the NW Quarter, Section 27, T138N, R46W, Elkton Township, with the following conditions:

- 1) Compliance with all appropriate setback & other requirements as per the Land Development Ordinance;**
- 2) Receipt and maintenance of appropriate State feedlot permit and stormwater management permit from MPCA. Copies of these documents to be filed with the Planning Office. This site is permitted only for a maximum of 639 AU (cow/calves);**
- 3) Access to the site off State Highway 9 must be approved and permitted by MnDOT;**
- 4) Manure must be removed from the site at least once a year and its application must be by means of land-spreading and incorporation within 48 hours to reduce potential odor issues. The applicant must provide the property owners' names and locations as to where manure will be applied, to the Planning Office;**
- 5) Site must be reviewed by the SWCD for any possible wetland issues. Must comply with WCA;**

GREAT BASIN INC/NUGGET INVESTMENT LLC – PRELIMINARY PLAT

The applicant is seeking review and approval of a preliminary plat for 12 to 15 lots, residential subdivision. The proposed subdivision would be located in the N Half NE Quarter, Section 17 and S Half SE Quarter, Section 8, T139N, R45W (Hawley Twp.) in the Agricultural General (AG) zoning district.

On motion by Bill Davis, seconded by Tom Jensen, and unanimously carried, the Planning Commission opened the public hearing.

Planning Director Tim Magnusson explained that two proposed plats were submitted. The first plat would have been utilized if Great Basin had been granted the variance, and the second plat if it had been denied. Magnusson presented an overall picture of the area. He indicated that 12th Avenue is a no-maintenance road and needs to be upgraded. He pointed out the surrounding residences. A view of the plat that met the required setback from a feedlot was presented and Magnusson explained that only a couple lots would be lost due to the variance denial. Nine lots would be to the south, and one lot to the north. Hawley Township approved an ordinance requiring lots to be 2 acres in size, therefore, the plat was re-drafted to indicate lots of 2.1 acres. Magnusson visited with Everett Nelson of Hawley Township, and Nelson indicated they had not talked about this plat to any extent. The County Code does not allow platted subdivisions to be developed on a no-maintenance road, so the road will require upgrading. All the lots will need individual wells and septic systems and will need enough room for two septic system locations. The land is currently vacant but was previously impacted by mining. Magnusson said there is an intent of expanding the

development to the south during the second phase. Anytime there is a new road, it requires acceptance by the Township.

Magnusson explained that this decision is only a recommendation to the County Board and they have the final approval.

Ray Reading, the applicant, approached the Commission. He stated that this is a reclaimed site. Reading said he approached all the agencies to assure he was in compliance before choosing this site. He talked to the Clay Soil and Water Conservation District regarding wetland issues; he went to the Board of Water & Soil Resources and they had no issues; and he went to the Watershed District. Once the land is developed the District will work with Moore Engineering on stormwater management to ensure project compliance. Bruce Jaster looked over the land to make sure everything was conducive for septic system compliance. Additionally, Reading pulled the NRCS Net Soil Survey and looked at the Crop Productivity Indexes. He asked Elsner Well Drilling, Inc. to check on wells and has also talked to the Department of Transportation. Reading stated his partner, Steve Ranz, was unable to attend the meeting due to an illness.

The chair asked if anyone else wanted to speak for or against the proposal.

Chris Heyer of Moore Engineering, introduced himself as the engineer who prepared the preliminary plat. He pointed out that the plat indicates 10 lots to the south, when in fact there are only 9 lots and one lot to the north which is not intended for development. Furthermore, the survey in the packet was not the most current, thus, a slide of the correct one was displayed. Heyer said that Larry Henry was concerned about the 12th Avenue road going across his property as it currently exists as he uses it as an access to his residence. Heyer presented several documents, the first being a plat of the Henry Estates Subdivision. On this plat, Henry indicated 12th Avenue as a public roadway. He showed a 1939 photo of this area showing 200th Street, 14th Avenue and 12th Avenue in the same current location and indicated 12th Avenue existed before the Henry residence existed. He explained that the proposal does align the road with the section line for access purposes. They will need to be in contact with the Township because they would have to take out the curve that connects 200th and 14th and the Township would have to approve that as well as securing easements to provide access. Both Heyer and Reading stated they are working with the Heartland Trail System to come through the north lot but they do not have details yet. It is not proper to do this on a plat because the platting statute in Minnesota specifies that all easements shall be limited to drain or utility easements and there is no one to grant that easement. It is better to do that when Heartland knows exactly where they are going to go so documents can be prepared to convey that to them. Lastly, he pointed out the conversations with the Township concerning a cul de sac on the road. They are concerned it would appear the road would end. Other Townships have approved the “hammerhead turnaround” and Heyer pointed out the proposed turnaround would be located on the west side. He explained the turnaround would act as an intersection for snow plows to turn and have room to push the snow. They have been in contact with the County regarding the proposed turnaround, and are awaiting a response from Dave Overbo.

The following citizens: Barb Gilson, Marc Bauer, Bill Henning, Beverly Henning, Ann Jean Wibe, Doreen Gwin, Paul Wibe, Claudia Murray, Chad Murray, Doug Keeping, Larry Henry, professed the following concerns in opposition of the permit:

- The 12th Avenue South road (hereinafter, “access road”), is a minimum maintenance road and requires upgrading (i.e. the width of the access road, building up the access road);
- The safety of the public on the access road;
- The threats of quiet use and enjoyment of home owners;
- Added traffic on the access road;
- The impact on the hunting land and the snowmobiling and hiking trail;
- Dust impact and control;
- Flooding and water runoff;
- The lack of involvement of the Hawley Township Board; and
- The development in their area (i.e. more homes built and closer together).

The following citizens: Dave Henk, Paul Wibe, Marc Bauer, Jamie Lewis, Christine Guida and Peter Lewis, professed the following concerns in opposition of the permit:

- The nuisance of the odor from the feedlot affecting new residences;
- Complaints addressed to the Lewis’;
- The proximity of the feedlot to the proposed subdivision;
- Restricting the Lewis’ option to expand their feedlot;

Clayton Larson approached and asked the Commission to expound on the decision or recommendation to the County Board process.

Doreen Gwin approached with questions regarding the tests the applicant had completed and if any paperwork could be provided upon request.

Magnusson assured the citizens that regardless of the outcome, the access road needs to be brought up to standards. It was a major issue at the previous meeting as well.

On motion by Randy Schellack, seconded by Curt Stubstad, and unanimously carried, the Planning Commission closed the public hearing.

Stormwater retention areas were discussed. The logical area of a retention pond would be in park area. The Commission reviewed the plat design, and conversed about the variance denial and setbacks. It was deliberated if a recommendation could be made and if so, recommending the plat upon added conditions. Several statements were made regarding the tax paying landowner’s right to use their land and the decision to deny their use.

On motion by Mark Klevgaard, and seconded by Randy Schellack, and carried 5 to 6, the Planning Commission recommended the plat to the County Board upon completion of the road upgrade of 12th Avenue to the west edge of Great Basin’s property.

GREAT BASIN, INC. - REQUEST FOR INTERIM USE

The applicant is seeking approval of an Interim Use Permit to allow the establishment of an aggregate mine and its associated uses including crushing and stockpiling of materials. The property affected is the N Half NE Quarter, lying N & E of RR R/W, Section 17, T139N, R45W (Hawley Twp.) in the Agricultural General (AG) zoning district.

On motion by Bill Davis, seconded by Mark Klevgaard, and unanimously carried, the Planning Commission opened the public hearing.

Planning Director Tim Magnusson presented an aerial photo of the proposed area consisting of approximately 32½ acres. After accounting for the 200-foot setback from the road right-of-way, and the 100-foot setback from the property lines, the mining area decreases to under 30 acres. The establishment would be a normal mining operation, taking off the topsoil and removing material. Crushers would be operated as necessary and they would stockpile on site. If approved, Magnusson assumed they would utilize 200th Street for their haul road. The application indicated access to 12th Avenue to 200th Street to Highway 10. He implied there would need to be significant improvements of 12th Avenue, but that would be between the applicant and Hawley Township. Magnusson stated that they removed the Resource Protection/Aggregate zoning on the property. He deems if they maintain setbacks, and abide by the Wetlands Conservation Act provisions, no issues should arise with the operation. The Interim Use Permit would extend to the year 2021.

The applicant Ray Reading was present. He attested that while he applied for a variance and was denied and the fact that there is no agricultural use for the land, he is choosing to exercise his rights as a landowner. Reading believes there is over \$1 million worth of royalties in gravel underneath the land. Steve Ranz, the co-applicant could not be in attendance due to an illness. Reading advised the Commission that Ranz has been within Strata and Aggregate Industries for over 28 years. He has done all the borings and believes it would take three to four years to have it all mined and reclaimed. They intend to move forward with the plat and upgrade the road to the intersection. Reading feels he has had two out of three of his rights taken away and that is why he is here for this permit, to exercise his rights as a landowner.

It was clarified by Reading that the Commission recommended the approval of his plat for a subdivision and he is also applying for a gravel mine just south of the residential area. Mining would be completed in three years and that land will eventually be platted. Reading also confirmed Strata would be mining and they would not mine below the water table.

The chair asked if anyone else wanted to speak for or against the proposal.

Barb Gilson approached and stated she was at two other meetings in 2000 and 2006, wherein the gravel pit was denied. The main reason the permits were denied was it was determined 200th Street could not sustain the truck traffic. It is a low, wet road. Gilson questioned how this can be acted upon without feedback from the Township. She did not know the number of trucks per hour but stated there are still road issues and they were not adequate in 2000 and 2006.

Paul Wibe came forward and voiced his understanding that the zoning was changed to Ag General therefore mining was not allowed. Chairman Baer advised the applicant and Mr. Wibe that removing Resource Protection zoning does not preclude them from mining.

Marc Bauer approached and explained that he understood land ownership and rights, but does not believe it is “a right to mine.” Moreover, he said the Planning Commission is making a decision, not taking away a right and he is offended by the terminology. He added the land is beautiful and some people like to hunt on it.

Bill Henning, addressed the Commission and stressed that the County had already heard this request twice before, in 2000 and 2006. The issue with mining gravel in proximity to a large existing subdivision, is that they all use 200th Street for access. Henning does not feel the road can endure the abuse of the truck traffic in addition to the residential traffic. He urged the Commission to weigh the “negative effects on property values” as a consideration. Property owners’ rights to use their property does not bridge others’ rights for use and enjoyment of their properties.

Karen Hanson who lives in the Bouton Addition emphasized the need to restrict hours of operation strictly to daylight hours. She wants reasonable accommodations for people who need to work and sleep.

Chad Murray, an adjacent property owner, asked Magnusson about setbacks. Magnusson answered there is a setback of 100 feet from the property line or 500 feet from a residence. Murray speculated on what noises would be heard and stated he agreed with the restrictions on the hours of operation.

Magnusson added the days/times of operation are June through October, Monday through Friday, from 7:00 a.m. to 6:00 p.m. Furthermore, he identified some anticipated noises being from the equipment, backup beepers on the trucks and loaders, and crushing and loading trucks.

Bev Henning, who lives on 200th Street, implored the Commission to deny the request because of the increased road traffic. If it is approved, she suggested staging dust control in front of the homes, because they will be dealing with the dust from spring until snow.

Chris Guida, who has lived in that area for over 30 years, enjoys birding in the area. She suggested Reading should use the mining area for a park for the new development.

Larry Henry emphasized the fact that the entrance off 200th Street into the proposed area also crosses over his property. Henry inquired about the setback from a residence. Magnusson referenced the setback of 500-feet from a residence. However, he added if the situation arose wherein the plat was approved but the applicant did not develop the lots, no residential setback would exist. Henry also asked about the maintenance of the road and whether the applicant would be required to maintain it. He advised that in the manner the road was constructed, the heavy trucks would break the base of it, and the integrity of the road would be lost.

On motion by Bill Davis, seconded by Jenny Mongeau, and unanimously carried, the Planning Commission closed the public hearing.

The Commission clarified the condition on maintaining dust control on the gravel haul roads. Magnusson added it does not mean the entire road, only in front of each residence.

It was suggested and agreed that under Condition 8, the reclamation bond be increased from \$500 to \$1,000.

It was also discussed whether they would be constructing residences at the time of mining gravel. Reading stated it was possible. Nevertheless, they would have to comply with the 500-foot setback

from a residence. Magnusson suggested they start construction on the east end and move to the west while still maintaining the 500-foot setback.

The Findings of Fact for Interim Use Permits were discussed and the Planning Commission found the following items to be applicable with this proposed mining site:

1. **Effect of Use:** In granting a conditional/interim use, the Planning Commission shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands, existing and anticipated land uses, traffic conditions including parking facilities on adjacent streets and land, and the effect on agricultural usage and values of property and scenic views in the surrounding areas, and the effect of the proposed use on existing comprehensive plans.
4. **Utilities, Access Roads, Drainage, Off-Street Parking and Loading Spaces:** Adequate measures have been or will be taken to provide utilities, access roads, drainage and off-street parking and loading spaces.
5. **Nuisance Conditions:** Adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, water pollution and soil erosion, so that none of these will constitute a nuisance, and to control lighted signs or other lights in such manner that no disturbance to neighboring properties will result.
6. **Burden on Public Services:** The use will not create an excessive burden on parks, schools, streets, water supply, sanitary sewers and storm sewers and other public facilities or utilities which serve or are proposed to serve the area.

The items were discussed and the Planning Commission found that the items can be addressed with conditions.

On motion by Curt Stubstad, seconded by Bill Davis, and carried with two nay votes (Mongeau and Paulsen), the Planning Commission approved Great Basin's request to allow the establishment of an aggregate mine and its associated uses on property located in the N Half NE Quarter, lying N & E of RR R/W, Section 17, T139N, R45W, Hawley Township, with the following conditions:

1. **Permit shall terminate on December 31, 2021.**
2. **Operate within provisions of the Clay County Land Development Ordinance.**
3. **Operator shall control dust and work with Township regarding necessary maintenance on all gravel haul roads up to Highway 10.**
4. **Operator shall provide proof of NPDES/SDS, Storm Water Management, and Air Quality Permits, as required, to the Planning Office and shall be following any and all local/state/federal regulations prior to commencing mining operations.**
5. **Operations must comply with all provisions of Wetlands Conservation Act.**
6. **A maximum of 32.5 acres is approved for mining operations (excavation, screening, crushing, stockpiling, etc.). If additional acres are proposed to be opened a new or amended IUP would be required.**
7. **May operate June thru October, Monday thru Friday, from 7:00 AM to 6:00 PM.**
8. **Require applicant to provide \$1,000 per acre reclamation bond and reclaim mined out areas as mining activities progress. Require areas to be seeded upon reclamation.**

9. Applicant shall provide parking, screening, lighting, drainage, and portable sewer facilities consistent with County regulations as determined by the Planning Department and County Health Department.
10. Require operator to present a mine plan to Planning Office specifying the area to be mined, current topography, final topography, phases of mining operation, equipment locations, locations of hazardous material storage and sanitary facilities and stormwater management plan prior to commencing any operations at the site.
11. Road upgrade of 12th Avenue to the west edge of Great Basin's property.

On motion by Bill Davis, and seconded by Joel Paulsen, and unanimously carried, the meeting was adjourned at 11:30 p.m.

By: _____
Thomas Jensen, Planning Commission Secretary